

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

JANSSEN CONTRACTING COMPANY,
INC.,

Plaintiff,

vs.

JON P. COLMAN; NORTHWEST
HYGIENETICS, INC.; ANCHORAGE
SCHOOL DISTRICT; WESTERN
VENTURES, INC., d/b/a CASCADE
ENVIRONMENTAL,

Defendants.

Case No. A04-0271 CV (RRB)

**ORDER DENYING MOTION
TO RECONSIDER**

Before the Court is Plaintiff Janssen Contracting Company, Inc. with a Motion to Reconsider Award of Attorneys Fees to Defendants Jon P. Colman and Northwest Hygienetics, Inc. (Docket No. 49). Plaintiff argues the Court should reconsider its decision awarding attorney fees because the Court was clearly erroneous in its interpretation of the law. Clerk's Docket No. 49 at 2. Defendants Jon P. Colman, et al. ("Defendants") oppose at Docket No. 51 and argue the Court may award Defendants attorney fees as

the granting of "proper" relief as allowed by 28 U.S.C. § 2202.

The Court agrees.

For reasons more carefully articulated in Defendants' Response to Janssen's Motion to Reconsider Award of Attorneys Fees to Defendants Jon P. Colman and Northwest Hygienetics, Inc. (Docket No. 51), and because "the Ninth Circuit has explicitly rejected the argument that [28 U.S.C. § 2202] restricts the district court's discretion to award attorneys fees in a declaratory judgment action," Clerk's Docket No. 51 at 3 (citing Omaha Indem. Ins. Co. v. Cardon Oil Co., 687 F. Supp. 502 (N.D. Cal. 1988), aff'd, 902 F.2d 40 (9th Cir. 1990)), Plaintiff's Motion to Reconsider (Docket No. 49) is hereby **DENIED**.

ENTERED this 25th day of January, 2006.

/s/ RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE